REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 22 September 2005. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements which form the invention of the subject Patent Application and Claims 4 - 8 have been amended to correct informalities therein. Claims 2 - 3 have been cancelled by this Amendment.

In the Official Action, the Examiner rejected Claims 1-7 under 35 U.S.C. § 102(b), as being anticipated by Lawniczak, U.S. Patent 5,438,435. Claims 8-10 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Lawniczak in view of Lin, U.S. Patent 6,747,763.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to an image scanning apparatus having a processor. The image scanning apparatus includes a paper tray for placing a document having a first side and an opposing second side. The apparatus includes a looped document passage extending from the paper tray to a single document exit and has an overlap portion where the first side of the document is passed therethrough and subsequently the second side of the document is passed therethrough before passing to the single document exit. The apparatus includes a scan module for scanning one or both

sides of the document passing through the overlap portion of the loop document passage by selection of the user. Still further, the image scanning apparatus includes a drive module for driving the document to pass from the paper tray through the loop document passage to the single document exit. The drive module includes a roller assembly spaced along the looped document passage and also located in the paper tray for conveying the document therethrough. The drive module further includes a drive motor drivingly coupled to the roller assembly and a pair of deflectors respectively disposed on opposing sides of the overlap portion of the looped document passage for controlling passage of the document through the looped document passage to the single document exit. The drive module additionally includes a sensor for signaling the processor to control the pair of deflectors in response to a position of the document. By that arrangement, documents from the paper tray can be scanned in either a simplex or duplex mode (depending on the operation of the scan module) and delivered to a single document exit, irrespective of which mode is being utilized.

In contradistinction, the Lawniczak reference is directed to a duplex document handler and image forming apparatus wherein documents pass from an input supply tray 22 through a looped passage to either a simplex output tray 35 or a duplex output tray 37, depending on the scanning mode selected. In order to control the passage utilized by a document in response to the selected mode, the reference incorporates a single deflector 34 which deflects the document into a

duplex loop 36 if the duplex mode is selected. If a simplex mode is selected, the document is fed past the deflector 34, the deflector 34 being displaced upwardly to the simplex output tray 35. However, there is a problem of paper jamming caused by the deflector 34 deflecting the document into the duplex loop 36 to the transparent plate 30.

Thus, nowhere does the reference disclose or suggest a drive module which includes a pair of deflectors respectively disposed on opposing sides of the platform of the overlap portion of the loop document passage for controlling passage of the document through the looped document passage to the single document exit, as now claimed. The reference system can control the single deflector 34 to move upwardly and downwardly for selectively delivering the documents to exit by one of the simplex output tray 35 or the duplex output tray 37. However, there is a problem of paper jamming caused by the deflector 34 deflecting the document into the duplex loop 36 to a transparent plate 30. However, the present invention can control the pair of deflectors 33 to move upwardly and downwardly for smooth operation and consecutively delivering the documents to the exit, a single document exit, without the paper jam problem. In the invention of the subject Patent Application, the use of a pair of deflectors on opposing sides of the overlap portion provides the additional functionality (controlling the document to undergo scans of the first side and the second side consecutively and evenly) of a single document exit for all scanned documents,

irrespective of the scanning mode selected. Having a single document exit for all scanned documents provides greater convenience for a user, and a more compact apparatus. Therefore, as the Lawniczak reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, it cannot anticipate that invention.

The Lin reference does not overcome the deficiencies of Lawniczak. The Lin reference is directed to a paper feeder for image reading. However, nowhere does the reference disclose or suggest a drive module which includes a pair of deflectors respectively disposed on opposing sides of the overlap portion of the loop document passage for controlling passage of the document through the looped document passage to the single document exit, as now claimed. Therefore, as neither Lawniczak nor Lin disclose or suggest the concatenation of elements which form the invention of the subject patent Application, they cannot make obvious that invention.

For all of the forgoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

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